Division Bench

(1)

(B)

CR 15/

D.B.

IN THE HIGH COURT OF JUDICATURE OF

CHHATTISGARH AT BILASPUR

M.A.(C.)No. 497 /2006

Appellants : 1. Lal Singh Rajput
S/o Jagdev Singh
Aged about 52 years,
R/o Village Pagrikala,
P.S. Dongargaon,
Tahsil & District
Rajnandgaon (C.G.)

Claimants before the tribunal

P.R. No. 3534/06
Presented by Shri C.K. Sahu
dated 21/11/06

2. Chetan Singh Rajput
S/o Lal Singh,
Aged about 34 years,
R/o Village Pagrikala,
P.S. Dongargaon, Tahsil & District Rajnandgaon (C.G.)

3. Nirbhay Singh Rajput
S/o Lal Singh,
Aged about 32 years
R/o Village Pagrikala P.S. Dongergaon, Tahsil & District Rajnandgaon (C.G.)

4. Tookam Singh
S/o Lalsingh Rajput,
Aged about 30 years

R/o Village Pagrikala, P.S. Dongargaon, Tahsil & District Rajnandgaon (C.G.)

5. Roop Singh
S/o Lal Singh Rajput
Aged about 28 years,
R/o Village Pagrikala, P.S. Dongargaon, Tahsil & District Rajnandgaon (C.G.)

6. Govind Singh
S/o Lal Singh Rajput,
Aged about 20 years,
R/o Village Pagrikala, P.S. Dongargaon, Tahsil & District Rajnandgaon (C.G.)

Versus

Respondents : 1. Khursid Ahamed
(Non-applicants S/o Sher Mohammad
before the Tribunal) Aged about 36 years
R/o Village Ratwada, Post Jalsada, P.S. Malekheda, District Alwar (Rajsthan)
--Driver of the Vehicle--

2. Hasan Mohamad
S/o Sheikh Mohammad Khan, R/o Village Ratwada, Post Jalsada, P.S. Malekheda District Alwar (Rajsthan)
--Owner of the Vehicle--

3. The Oriental Insurance Company Limited Branch Office, Kamthiline Rajnandgoan, Tahsil and District - Rajnandgoan Thro.- Branch Manager,

MISC. APPEAL U/S 173 OF THE MOTOR VEHICLE ACT.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...M.A.(C).497... **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Division Bench: -

Hon'ble Mr. L.C. Bhadoo, Ag. CJ &
Hon'ble Mr. Dhirendra Mishra, J.

2-1-2007

Mr. C.R. Sahu, counsel for the appellants/claimants.

Heard.

The appellants have preferred this appeal under Section 173 of the Motor Vehicles Act, 1988, being aggrieved by the award dated 8-11-2006 passed by the Motor Accident Claims Tribunal, Rajnandgaon, in Motor Accidents Claim No.29/2006, whereby learned Tribunal has dismissed the claim of the appellants on the ground that the death of Jamvati was not accidental murder, but the same was intentional murder, therefore, the claimants are not entitled for claim under Section 166 of the Act.

Learned Tribunal in para 13 of the award has discussed that the perusal of first information report Ex.P-1 and merg intimation Ex.P-2 shows that the intentional murder of Jamvati was committed by throwing her before a dumper. However, before the Tribunal PW-2 Nirbhay Singh deposed contrary to the first information report, which was not believed by the Tribunal. The conclusion arrived by the Tribunal is based on sound reasonings and based on the first information report, as such, we do not find any illegality or infirmity in the same. Therefore, the award passed by the Tribunal does not require any interference by this Court, as such, the appeal is liable to be dismissed and it is hereby dismissed.

Sd/-
Ag. Chief Justice

Sd/-
Dhirendra Mishra
Judge

F.I.O.